

REMARKS

Claims 10-15 are pending in this application. Claims 10 and 14 have been amended. No new matter has been introduced.

Claims 10 and 13-15 re rejected under 35 U.S.C. §102(b) as being anticipated by WO 97/37595 to Pedlick et al. ("Pedlick"). This rejection is respectfully traversed.

The claimed invention relates to an implant for cross-pin anterior cruciate reconstruction surgery. As such, amended independent claim 10 recites an "implant for cross-pin anterior cruciate reconstruction surgery" comprising "a proximal end," "a tapered distal end ... terminating in a pointed tip" and "a transverse eye for receiving a flexible strand to draw said implant into an opening in bone, said transverse eye extending completely through said tapered distal end in a direction transverse to the longitudinal axis of the distal end." (Emphasis added). Amended independent claim 10 also recites "a solid cylindrical shaft disposed between said proximal end and said tapered distal end and having a smooth cylindrical outer surface for supporting a graft in said opening in bone."

Pedlick, Fig. 72, fails to anticipate the subject matter of claims 10 and 13-15. Pedlick does not disclose, teach or suggest an "implant for cross-pin anterior cruciate reconstruction surgery" comprising "a tapered distal end .. terminating in a pointed tip" – the "tapered" end of Pedlick identified on page 3 of the Office Action terminates in a flat surface. Nor does Pedlick, Fig. 72, disclose "a transverse eye for receiving a flexible strand to draw said implant into an opening in bone, said transverse eye extending completely through said tapered distal end in a direction transverse to the longitudinal axis of the distal end," as amended independent claim 10 recites (emphasis added). Pedlick's eye does not extend completely through the anchor and extends in a longitudinal direction, not transversely ("in a direction transverse to the longitudinal

axis.”). Nor does Pedlick, Fig. 72, disclose “a solid cylindrical shaft disposed between said proximal end and said tapered distal end and having a smooth cylindrical outer surface for supporting a graft in said opening in bone.” Pedlick’s “shaft”, as identified by the Examiner, is a hollow longitudinal hole in the anchor, not a solid portion of the anchor with “a smooth cylindrical outer surface for supporting a graft in said opening in bone.” Nor does Pedlick disclose “longitudinal channels formed on opposite sides of the implant and extending from the transverse eye to the tip in a direction aligned with the longitudinal axis of the distal end, the channels serving to accommodate the suture received in the eye of the implant to prevent binding of the suture as the implant is inserted into the bone,” as recited in amended claim 14.

For all of the above reasons, applicant respectfully submits that the present invention as recited in claims 10 and 13-15 is distinguishable over Pedlick. Accordingly, the rejection of claims 10 and 13-15 should be withdrawn.

Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pedlick in view of U.S. 6,045,554 to Grooms et al. (“Grooms”). This rejection is respectfully traversed.

Grooms relates to an interference screw provided “by machining a fragment of autograft or allograft cortical bone from a donor or from a recipient’s amputated bone.” (Abstract). Grooms teaches that the interference screw “has a machined pointed, rounded or flush end and an opposite machined end which mates with a drive means, and has advantages over conventional interference screws known in the art in that subsequent to implantation, no residual hardware that must later be removed remains at the implant site.” (Abstract).

The subject matter of claims 11 and 12 would not have been obvious over Pedlick in view of Grooms. Claims 11 and 12 depend from independent claim 10. As discussed above, independent claim 10 is distinguishable over the cited Pedlick reference, and Grooms provides no teaching to rectify the deficiencies of Pedlick. Accordingly, withdrawal of the rejection of claims 11 and 12 is respectfully requested.

Allowance of claims 10-15 is solicited.

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Respectfully submitted,

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